

Exhibit 2

1		REPORTER'S RECORD	
2	MARCEL FONTAINE,	VOLUME 1 OF 1 VOLUME	) IN THE DISTRICT COURT
3	Plaintiff		) TRAVIS COUNTY, TEXAS
4	VS.		) 459TH JUDICIAL DISTRICT
5	ALEX E. JONES, INFOWARS,		) TRIAL COURT CAUSE NO.
6	LLC, ET AL.,		) D-1-GN-18-001605
7	Defendants)
8	NEIL HESLIN,		) IN THE DISTRICT COURT
9	Plaintiff		) TRAVIS COUNTY, TEXAS
10	VS.		) 459TH JUDICIAL DISTRICT
11	ALEX E. JONES, INFOWARS,		) TRIAL COURT CAUSE NO.
12	LLC, ET AL.,		) D-1-GN-18-001835 AND
13	Defendant		) D-1-GN-19-004651
14	LEONARD POZNER AND		) IN THE DISTRICT COURT
15	VERONIQUE DE LA ROSA,		) TRAVIS COUNTY, TEXAS
16	Plaintiff		) 459TH JUDICIAL DISTRICT
17	VS.)
18	ALEX E. JONES, INFOWARS,		) TRIAL COURT CAUSE NOS.
19	LLC, ET AL.,		) D-1-GN-18-001842
20	DEFENDANTS)
21	SCARLETT LEWIS,		) IN THE DISTRICT COURT
22	Plaintiff		) TRAVIS COUNTY, TEXAS
23	VS.		) 459TH JUDICIAL DISTRICT
24	ALEX E. JONES, INFOWARS,		) TRIAL COURT CAUSE NO.
25	LLC, ET AL.,		) D-1-GN-18-006623
	DEFENDANTS)

	MOTION FOR SANCTIONS; MOTION TO COMPEL		

1 On the 14th day of January, 2022, the
2 following proceedings came on to be heard in the
3 above-entitled and numbered cause before the Honorable
4 Maya Guerra Gamble, Judge presiding, held in Austin,
5 Travis County, Texas, held via videoconference;

6 Proceedings reported by machine
7 shorthand.

A P P E A R A N C E S

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D-1-GN-18-001842, D-1-GN-18-006623 AN D-1-GN-1004651:

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1 FRIDAY, JANUARY 14, 2022 - MORNING PROCEEDINGS

2 *(The following proceedings were held in open*
3 *court, via YouTube)*

4 THE COURT: All right, D-1-GN-18-001835,
5 Neil Heslin versus Free Speech Systems, LLC, InfoWars,
6 LLC, Alex Jones and Owen Shroyer.

7 Don't answer yet.

8 D-1-GN-18-001842, Leonard Pozner and
9 Veronique De la Rosa versus the same defendants, and
10 D-1-GN-18-006623, Scarlett Lewis versus again the Free
11 Speech Systems and Alex Jones Defendants.

12 Who is here on that case today?

13 MR. BANKSTON: Mark Bankston is appearing
14 on behalf of Plaintiffs for the Sandy Hook cases and
15 Mr. Ogden for Fontaine.

16 THE COURT: Just that I just called the
17 Sandy Hook cases.

18 MR. BANKSTON: Oh, excuse me. Sorry
19 about that, Your Honor.

20 THE COURT: That's okay, that's okay.
21 And you're it on that side today.

22 MR. BANKSTON: Yes, I will be the one
23 appearing for the plaintiffs on that side.

24 THE COURT: All right. And Mr. Reeves.

25 MS. BLOTT: Jacqueline Blott --

1 MR. REEVES: Excuse me, Your Honor,
2 Miss Jacqueline Blott has recently appeared and been
3 designated lead counsel; I'll let her introduce
4 herself.

5 THE COURT: Well, that is a very
6 interesting thing for you to tell me now today, because
7 I haven't received anything. And I know, Mr. Reeves,
8 that -- and Miss Blott, could you adjust your camera?
9 All I can see is your eyes.

10 Do you recall the letter I sent when this
11 case -- these cases were assigned to me, Mr. Reeves?

12 MR. REEVES: I remember you sending a
13 letter, Your Honor. I don't remember exactly what
14 you're specifying but I absolutely remember you sending
15 it, yes.

16 THE COURT: Do you recall that the letter
17 instructs the attorneys on this case that filing things
18 with the clerk's office, while a necessary step, is not
19 sufficient to notify the court of anything.

20 MR. REEVES: Your Honor, I understand
21 that; and I believe that the notice of appearance of
22 Miss Blott was also provided via the submission docket.

23 THE COURT: It was not.

24 MR. REEVES: I apologize, Your Honor,
25 that's part of the service list on there, I presumed

1 that had been done. Miss Blott filed her appearance
2 but I apologize, it was not -- I recognize that you
3 asked us to send you things directly, as well, so I
4 thought that had been done based on the service list.

5 THE COURT: Okay. Have you shared that
6 letter with Miss Blott?

7 MR. REEVES: No, ma'am, I don't believe
8 so. I apologize for that.

9 THE COURT: All right. Well, I'm going
10 to direct you to do that.

11 MR. REEVES: Yes, ma'am.

12 THE COURT: All right. So, Miss Blott, I
13 take it to understand that you are now representing all
14 four of the defendants?

15 MS. BLOTT: Yes, Your Honor.

16 THE COURT: And you, I assume, because of
17 what Mr. Reeves just told me, have filed a notice of
18 appearance in all four cases?

19 MS. BLOTT: Yes, Your Honor.

20 MR. REEVES: Your Honor, not the Fontaine
21 matter.

22 MS. BLOTT: Oh, that's correct. I
23 apologize, Your Honor, I misspoke.

24 THE COURT: Just the three Sandy Hook
25 cases.

1 MS. BLOTT: Yes, Your Honor.

2 THE COURT: All right. Anyone else with
3 you here today?

4 MS. BLOTT: No, Your Honor.

5 THE COURT: All right. D-1-GN-18-001605,
6 Marcel Fontaine versus InfoWars, et al. I didn't write
7 all of them down, sorry.

8 MR. OGDEN: Bill Ogden for the plaintiff,
9 Your Honor.

10 THE COURT: All right.

11 MR. REEVES: And Your Honor, Brad Reeves
12 for the defendants in that matter, Your Honor.

13 THE COURT: Only you, Mr. Reeves.

14 MR. REEVES: Yes, Your Honor, that's
15 correct.

16 THE COURT: All right. Well, we have a
17 lot to get over on those cases. I've made some
18 extensive notes about what I think is in front of me
19 today, what I think has been filed but not delivered to
20 me but not set. And also, even though I tried, we have
21 to basically move all the trial settings. So we'll
22 come back to all of that.

23 *(Other unrelated matters heard and not*
24 *transcribed herein.)*

25 THE COURT: Ms. DuBois, I assume we're on

1 the record. Rather than reading out all four cause
2 numbers again, I'm going to talk about all four cases
3 that we colloquially refer to as Sandy Hook and the
4 one -- I always get the one in Florida wrong.

5 MR. REEVES: Parkland.

6 THE COURT: The Sandy Hook and the
7 Parkland case.

8 Okay. So, number one, I know we are here
9 on Plaintiff's motion for sanctions regarding corporate
10 depositions. Um. I have that, that was delivered to
11 me, that's what my docket says. Um. And maybe, but I
12 don't think so, um, attorneys fees from the
13 October 26th order?

14 MR. BANKSTON: We should be fine on that,
15 Your Honor.

16 THE COURT: Here is how we're going to do
17 it. We're just going to have Mr. Bankston answer for
18 now.

19 MR. BANKSTON: Okay. Yes, regarding
20 those fees, we should be good on that.

21 THE COURT: I thought so, okay.

22 MR. BANKSTON: Yeah, yeah, we had
23 provided you, and I think we have a signed order on
24 that.

25 THE COURT: I thought we did, too, but

1 honestly there are a lot of orders on this case and,
2 just like everyone else, I'm at work by myself, because
3 everyone is staying home to delay COVID. I don't think
4 there's any avoiding it anymore, but to delay it; which
5 there's a value in delaying.

6 Okay, so that one is taken care of.

7 So here is what I have. I have a note to
8 myself that says "Remind the attorneys about court
9 directions." And by that I mean this case is -- these
10 cases are assigned to me and me only. You still have
11 to file everything with the clerk's office. The
12 clerk's office does not forward pleadings to the judge.

13 If you file something and you want me to
14 know about it, you have to send it to my office. If it
15 is more than 20 pages you have to do that on paper. If
16 you file a motion and you would like a hearing, you
17 have to call my office and request one. It does not
18 magically happen; I don't set them for you. I am not
19 in the business of determining your strategy or
20 deciding what your intentions are.

21 So, essentially that is to say I have
22 seen a number of pleadings filed with the clerk's
23 office, and I assume that they have been filed just to
24 have them on file because nobody has asked me to take
25 any action on them. And that's my position until I am

1 requested to do something. All right.

2 I do want an update, I obviously know
3 what happened with the mandamus at the Third Court of
4 Appeals. Again, I don't tell anyone what is available,
5 but I would like to know if anyone is pursuing or
6 intending to pursue further appellate action -- I'm not
7 saying it's available, I'm not saying it isn't
8 available -- because that will affect trial settings.

9 Ms. Blott?

10 MS. BLOTT: Not at this time, Your Honor.

11 THE COURT: Okay. Thank you.

12 All right. So, we're definitely going to
13 take up Plaintiff's Motions For Sanctions Regarding
14 Corporate Depositions. I also saw, um, a couple of
15 defense motions, again nobody has asked me to set them.
16 I did get copies of one, or maybe we printed them out
17 because they were emailed to us, that's Defendant's
18 motion to exclude Plaintiff's Experts Fred Zipp and
19 Becca Lewis. But I don't believe it is set today.

20 Are you under the impression it is set
21 today, Ms. Blott?

22 MS. BLOTT: No, Your Honor, I am not
23 under that impression.

24 THE COURT: And then I also saw another
25 defense filing, a motion to reconsider the default

1 judgment, also not delivered to my office and not set.

2 Do you agree, Miss Blott?

3 MS. BLOTT: Yes, Your Honor, I do.

4 THE COURT: Great. Then we're on the
5 same page there.

6 MR. BANKSTON: Your Honor, one thing I
7 just wanted to mention because I'm getting a bunch of
8 messages about it, obviously not a priority to me but
9 I'm hearing the live stream is not working.

10 THE COURT: It's not working?

11 MR. BANKSTON: Exactly.

12 THE COURT: Miss Matusek-Steele, can you
13 fix that, please. I thought I had -- it popped up a
14 separate browser and I thought it was -- it popped it
15 up and I shut it and I thought it was working, but it's
16 not working, you're completely right. And it is
17 important, so. She is working on it now. But I'll
18 have to start it again, so I'll wait until she tells
19 me. Coffee break.

20 If you don't have your calendar handy
21 maybe get your calendars ready for the next part. I
22 think I was optimistic when we set all those trial
23 settings and also a little aggressive. Also forgot I
24 was having a child graduate from high school and that
25 has blocked some weeks from consideration, so. Also,

1 my thirty-year reunion to college, I know no one can
2 believe it because I look 12. That's a joke. It is my
3 thirtieth reunion from college, so I was hoping to go
4 to that, as well. So we'll see.

5 *(Pause in proceedings.)*

6 THE COURT: Nope, it is not working,
7 Miss Matusek-Steele. I just see the courthouse steps
8 as usual and then the docket from this week.

9 Um, so normally I just go ahead because
10 nobody really cares and half the people in front of me
11 don't want everyone to watch. I feel like this case is
12 different than that. So, what I can offer is that we
13 all logoff and log back on and Miss Matusek-Steele will
14 reset it in the interim and that should work, or we
15 proceed like this. And I'm going to need agreement
16 from the lawyers for whichever one we do.

17 So, Mr. Bankston.

18 MR. BANKSTON: Plaintiff, the only thing
19 I'm concerned about is time crunch. So that is why we
20 would want to go ahead, I guess.

21 THE COURT: Miss Blott.

22 MS. BLOTT: I agree, Your Honor.

23 THE COURT: So, you want to proceed
24 without live stream?

25 MR. BANKSTON: Yes, Your Honor.

1 THE COURT: All right, that's fine with
2 me.

3 All right. Then on the Fontaine case,
4 Parkland case, I have Plaintiff's Motion to Compel and
5 Motion for Sanctions. Is that right?

6 MR. OGDEN: Yes, Your Honor.

7 THE COURT: And that's set for today, as
8 well?

9 MR. OGDEN: Yes, Your Honor, it is.

10 THE COURT: And that's it.

11 MR. OGDEN: On Fontaine, yes.

12 THE COURT: Okay. So, really just one
13 motion on each set of cases. Okay. Right now Heslin
14 is set for March 28th, um, for two weeks. I'm not
15 available the 7th and 8th. I am available the 11th
16 through the 15th. We could leave that one. That feels
17 alarmingly close to me. Um. No one has asked me to
18 move it yet, but I'm just going to tell you what that
19 would look like is March 28th through April the 12th --
20 well, probably the 13th, because I have to cutoff early
21 on the 6th at like 1:00 p.m. So, a two-week
22 announcement, which is what I was asked for, would be
23 March 28th through April 13th for that one if we -- if
24 we stick with it.

25 Um, Lewis is set for April 25th through

1 May 6th. And then I have -- I believe this is
2 100 percent my fault but I have, I believe, deleted
3 from my calendar the Pozner setting, so we don't
4 even -- I have to look it up to figure out when that
5 one was set. I feel like since I took it off my
6 calendar I can't do it. And then Fontaine, June 27th
7 through July 8th. And that's fine, as well.

8 So, the main problem is Heslin seems very
9 early to me and I think, if I didn't make it clear,
10 just so you all know, in my head I did leave open the
11 possibility of a future repeat motion to consolidate
12 after we get through a little more of the pretrial
13 damages discovery, if we manage to do that. Um. And
14 so I still want to know, everyone, that that's open.
15 That's a possibility even though I denied it a couple
16 of weeks ago in the current state.

17 So, Mr. Bankston, do you happen to
18 remember or know when the Pozner case was originally
19 set for?

20 MR. BANKSTON: No. And, in fact, I'm not
21 a hundred percent sure it was, because I remember we
22 had the March and the April setting and then the June
23 was sort of a backup setting at one point. I'm not
24 sure if we ever had an official setting.

25 MS. BLOTT: I have those dates, Your

1 Honor, if you would like them.

2 THE COURT: I would.

3 MS. BLOTT: Heslin, March 28; Lewis,
4 April 25th; and Pozner, May 23rd.

5 THE COURT: I put -- my mug, which has
6 never failed me, literally poured coffee --

7 MS. BLOTT: Oh, I'm sorry.

8 THE COURT: No, I'm laughing, too. I use
9 this mug every single day, I have never had that happen
10 before.

11 All right, I'm so sorry, you're going to
12 have to repeat yourself, I sprayed myself with coffee.

13 MS. BLOTT: That's okay. I have the
14 following dates, trial dates: March 28th, I believe
15 that's Heslin; April 25th, I believe that was the Lewis
16 case; and May 23rd, which I believe is the Pozner case.

17 THE COURT: Yes.

18 MS. BLOTT: I do not have the Fontaine
19 case right now, for which I apologize.

20 THE COURT: That's okay, that one was
21 June 27th.

22 So, Pozner, I took it off my calendar
23 because those two weeks are high school graduation and
24 my thirtieth college reunion. So, I did take that off
25 the calendar and I should have told you. Maybe I did

1 ask, that's why you don't have it, Mr. Bankston. But
2 that date won't work for me anymore, and I do apologize
3 about that.

4 I'm sorry, I'm going to -- I think I put
5 my mug together wrong today. No one cares but it has
6 that little like seal that comes out and if you put it
7 in upside-down it does not work. I think we've all --
8 I just discovered. Okay. Sorry.

9 All right. So what -- we can talk about
10 those at the end or we can talk about those now. I
11 guess, you know what, let's do it at the end because it
12 might make a difference, what happens with this
13 hearing.

14 So, Mr. Bankston, do you want to go first
15 on the Sandy Hook cases or does Mr. Ogden want to go
16 first?

17 MR. BANKSTON: I think the Fontaine stuff
18 is going to be so much faster, let's just get it out of
19 the way.

20 THE COURT: All right, Mr. Ogden.

21 MR. OGDEN: Yes, Your Honor. If I could
22 share my screen.

23 THE COURT: Absolutely.

24 MR. OGDEN: Your Honor, as you're aware,
25 the Fontaine case involves Marcel Fontaine, an

1 individual who was wrongfully pinned as the Parkland
2 High School shooter by the defendants. And I'm not
3 going to go into detail about the case because I'm
4 pretty sure the judge knows as much as I do at this
5 point what it's about.

6 We sent some discovery requests to
7 Defendants and there were four in issue in our brief.
8 One of them has been resolved, so this is only going to
9 take a few minutes to go through the three at issue.

10 THE COURT: Which one was resolved?

11 MR. OGDEN: That would be Request for
12 Production Number 7.

13 THE COURT: Okay, I'm looking for the --
14 this is the chart that I asked you to give me; right?

15 MR. REEVES: No, Your Honor -- I'm sorry,
16 this is Brad Reeves. That chart is in the Sandy Hook
17 matters, Your Honor.

18 THE COURT: Oh, okay.

19 I'm not sure I'm as prepared as I was
20 planning to be, then. I thought I had read everything,
21 but it is a massive amount of paperwork that I get on
22 this case.

23 MR. OGDEN: Your Honor, if it will help I
24 have the requests and responses in this Powerpoint.

25 THE COURT: Okay, that's fine, I just had

1 notes that I wrote, but I think I found it. I'm just
2 dealing with the things that aren't set and the things
3 that are. So now I've got it. I'm in the right place.

4 MR. OGDEN: Okay. The first request at
5 issue is Request for Production Number 3 that was
6 propounded to Defendants. And that request was to
7 produce all documents written or sent by employee of
8 Free Speech Systems, LLC from February 14th, 2013, to
9 the present regarding 4Chan.

10 4Chan is the website that is an anonymous
11 message board where Defendants got Mr. Fontaine's
12 photograph and ultimately published it with an article.

13 On October 20th, after receiving no
14 documents, we got information from Defendants that
15 says, "We will limit your request to only include
16 documents written or sent within the scope of their
17 employment with your client." They also, in our meet
18 and confer, said that, "We believe five years is a
19 reasonable timeframe, especially since one would expect
20 total volume of documents would be relatively low."

21 Following that, and still today,
22 Defendants have refused to respond whatsoever. And in
23 their briefing, in response to our motion, they argue
24 the -- overbroad and vague as to that specific request.
25 But to date they have not attempted to even give us any

1 documents, even with the limitations that they offered
2 in the meet and confer. So, that would be the first
3 issue that we have.

4 I didn't know if you wanted me to go
5 through all three and then let them respond or take
6 them one by one. How would you like to do that, Your
7 Honor?

8 THE COURT: Just -- we'll do them all and
9 then we'll go from there.

10 MR. OGDEN: Okay. The next one is
11 Request for Production Number 7. That one has been
12 resolved. We were informed on January 8th that
13 Defendants have no documents for that, so we can skip
14 that one.

15 THE COURT: Okay.

16 MR. OGDEN: Request for Production Number
17 8 is, "Produce all documents relating to Denver Public
18 School Band Director, Dave Hammond, or the use of his
19 photo on Infowars.com, including any communications
20 with Mr. Hammond or any representative of the Denver
21 Public School System regarding Mr. Hammond."

22 In the months prior to Mr. Fontaine being
23 misidentified, Mr. Hammond was misidentified as a
24 teacher in Denver who was allegedly improper with a
25 student.

1 THE COURT: By InfoWars.

2 MR. OGDEN: Yes, Your Honor.

3 THE COURT: Like by the defendants in
4 this case.

5 MR. OGDEN: That is correct.

6 THE COURT: Okay.

7 MR. OGDEN: Mr. Hammond actually reached
8 out to Mr. Bankston and myself and informed us of the
9 situation, and that occurred after the loss of this
10 file. Which is why we have this specific request in
11 our discovery, because I don't -- I think this easily
12 gets past the step of improper character evidence when
13 it shows a motive -- I mean, a modus operandi of how
14 they operated as an organization.

15 In response, they have refused to respond
16 whatsoever. And in the briefing responsive to our
17 motion, Defendants ignore Mr. Hammond entirely. There
18 is no argument or justification as to why they're
19 ignoring that request.

20 The last issue we have is a document that
21 is Document 333, and it relates to a demand for
22 correction that was made by Darren Howard. Darren
23 Howard was misidentified as a crisis actor who is
24 playing a fake COVID patient in the United Kingdom
25 News.

1 This is the document that we received
2 from them, and it has been redacted.

3 On October 19th, we asked why this
4 document was redacted; and we got responsive -- we got
5 a response from Defendants that the redaction was to
6 material that was nonresponsive to the request.

7 Now, we look at *Simms v. Austin*
8 *Radiological Association*, and that name might ring a
9 bell because it was actually argued on appeal by you,
10 Judge Guerra Gamble. And that case is specifically on
11 point and it was exhaustively opined by the court of
12 appeals that a party can not unilaterally redact
13 information it believes is irrelevant or nonresponsive.

14 The *Simms* decision cites that "The Court
15 should not be burdened with an *in-camera* inspection of
16 redacted documents merely to confirm the relevance or
17 irrelevance of redacted information, but only when
18 necessary to protect privileged material."

19 Here, there is no privileged material
20 that they are protecting; rather, they've made the
21 unilateral decision to be the judge themselves on what
22 is and is not relevant.

23 "Redaction is, after all, an alteration
24 of potential evidence," which is disallowed by the
25 Texas courts.

1 Also, with regards to Document 333, the
2 objections that they do make when they have -- after
3 they redacted the document, um, were completely
4 untimely. And also, they assert a work product
5 privilege to the document itself.

6 Rule 193.2 says that a party must make
7 any objection to written discovery within the time for
8 response. Here it's -- this objection was months late,
9 after they realized that they have redacted the
10 document without objection.

11 So in summary, these were the three
12 points of documents that are at issue. The first would
13 be the internal documents regarding 4Chan; the second
14 is any documents referencing Mr. Hammond, who is the
15 teacher from Denver; and the third is producing an
16 unredacted copy of Document 333 relating to Darren
17 Howard.

18 We met and conferred with defense counsel
19 on these issues and, as we have been in the past with
20 all the discovery issues we've run into with the
21 defendants, we've been unsuccessful to get the
22 documents produced and/or get the documents fully,
23 properly produced without redactions. And that's
24 our -- that's Plaintiff's position on our motion.

25 THE COURT: All right. Thank you.

1 Miss Blott.

2 MR. REEVES: Your Honor, Brad Reeves, I'm
3 handling the Fontaine.

4 THE COURT: I'm sorry, you told me that.
5 I forgot. Mr. Reeves.

6 MR. REEVES: You're fine.

7 Thank you, Your Honor. Very quickly.
8 So, as far as the -- I'm just going to go request by
9 request, because it should be relatively quick and
10 easy.

11 As far as with the 4Chan documents, um,
12 you know, we've objected to it as overly broad and
13 we've also objected to it as vague, because the idea of
14 a phrase regarding "4Chan" and what those documents
15 entail is truly vague and could have any number of
16 interpretations.

17 If, you know, it's kind of a question of
18 is it on the same responsive document, being if the --
19 4Chan is referenced or if it's a discussion about
20 4Chan, and so we feel like those, the breadth of the
21 request is so broad as far as we can't really
22 reasonably respond to it without having more
23 specificity of what it's going to.

24 You know, I appreciate how they've
25 confined the time period, or they agreed to confine to

1 the employees working in their course and scope; but it
2 still leaves a lot to be desired as far as
3 understanding what exactly they're asking for. I
4 think, you know, and I don't want to go into
5 interpreting their request too much, I think what
6 they're looking for is whether or not there have been
7 discussions about 4Chan, whether or not it's a reliable
8 source to be using for any stories. But that's, you
9 know, that's me reading between the tea leaves.

10 And so, because of the broadness and the
11 vagueness of it, that's why we've objected to it and
12 have been unable to respond as far as fully
13 understanding what they're looking for.

14 Regarding -- so, the Request Number 8 for
15 Mr. Hammond, we believe that anything related to --
16 that's related to any other individuals that have been
17 allegedly misidentified, that really that has nothing
18 to do with the claims at issue in this lawsuit. I
19 recognize they want to try to draw a correlation
20 between they misidentified one or you misidentified
21 another; but the basis for that, there's no real
22 connection other than the potential allegations that we
23 also feel like -- that has really no relevance to
24 Mr. Fontaine's claims.

25 And so that's why -- and, you know, and

1 I've asked them -- as far as Mr. Hammond is concerned,
2 I don't have -- I have my client looking to see if
3 there's any potential responsive documents. I know on
4 the Request Number 7 we've been able to determine there
5 are no responsive documents. The other one, we're
6 looking for those to see if there's any. So, I don't
7 want to make a mountain out of a molehill as far as
8 there may not even be documents there.

9 But given -- the overall concept here is
10 we feel like requests relating to third party
11 individuals who have nothing to do with this lawsuit
12 really aren't relevant and really shouldn't be -- are
13 not within a reasonable scope of what discovery should
14 be in this case.

15 Finally, as far as the redacted documents
16 concerned, you know, prior counsel did -- they did
17 denote it and they redacted, said it was nonresponsive,
18 I believe they could have been more, um, specific in
19 saying that the reason the information was
20 nonresponsive is because the information that's been
21 redacted is both work product and attorney-client.

22 If you look at the part of the document
23 that is not redacted, you can see very clear a
24 retraction notice that's been sent to InfoWars about
25 Mr. Howard. And so the e-mails that are above it that

1 have been redacted involve discussions of that and also
2 involve, frankly, attorney-client privilege related to
3 that retraction notice. That's why that's been
4 redacted. Can't waive attorney-client privilege.

5 You know, I did supplement the responses
6 to the objections -- with objections to make that more
7 specific objection, but that's why that information is
8 redacted and why we believe that the plaintiff is not
9 entitled to that information, Your Honor.

10 THE COURT: All right. Mr. Ogden.

11 MR. OGDEN: Yes, Your Honor. I want
12 to --

13 THE COURT: Just focus on the redacted
14 document only.

15 MR. OGDEN: Sure, I can focus on the
16 redacted document.

17 They can't redact a document. The law is
18 pretty clear on that. And Mr. Reeves, you know, says,
19 oh, I went back and asserted the proper objection. He
20 doesn't get another bite at the apple on that.

21 This process is being continually
22 frustrated by, and I'm not blaming Mr. Reeves, but I'm
23 also not in the position that -- he's not allowed at
24 this point to come in and throw prior counsel under the
25 bus. As you're aware, we now have Miss Blott on the

1 Sandy Hook cases, so, if every time, which it's
2 happened a lot, a lawyer for the defendants does
3 something like this, they can't just hire a new lawyer
4 to say, hey, that wasn't me, I'm sorry.

5 THE COURT: Right. Every successive
6 lawyer is responsible for everything every prior lawyer
7 did.

8 Okay. The motion to compel is granted on
9 all three requests as narrowed in today's presentation.
10 And the costs for the motion and the hearing on
11 Fontaine are awarded, as well.

12 MR. REEVES: Your Honor, if I may. So, I
13 understand your ruling and I do want to say first I
14 wasn't intending or wanted to throw prior counsel under
15 the bus. That's not at all -- I was just saying how --
16 further specificity on the objections that were done to
17 supplement, there is very clear attorney-client
18 privileged material in this redacted document.

19 There's some that -- I'll just be frank
20 with you since you granted, the document itself,
21 there's the top email that's in this chain is
22 attorney-client privilege. There's then discussions
23 of -- about this retraction amongst InfoWars
24 individuals that is the bulk of the retraction as far
25 as what we consider work product and in the space of

1 litigation.

2 So, I'm not entirely sure how I'm
3 supposed to handle especially attorney -- I mean, I
4 guess I can what -- if you're going to make me produce
5 it in it's form unredacted what I would like is get the
6 court's permission to be able to redact the
7 attorney-client privilege aspect of it and then we'll
8 give them the rest of it. Is that....

9 I'm trying to understand -- I'm trying to
10 understand where I stand on it as far as the
11 privilege -- you know, attorney-client privilege can't
12 be waived whether it's asserted or not in their written
13 responses.

14 THE COURT: No. I'm -- basically you
15 just argued to me that the entirety of those redactions
16 were due to attorney-client privilege. And now that
17 I've said you have to turn it over, you're going, okay,
18 well, actually this little part, that's really
19 attorney-client privilege. So I'm certain you
20 understand how that casts doubt on the veracity of what
21 you're telling me today.

22 MR. REEVES: Your Honor --

23 THE COURT: Right?

24 MR. REEVES: I do believe I said
25 attorney-client and work product. So, I'm not

1 trying -- they are different -- those privileges are
2 being asserted as to different aspects of this email,
3 and I don't want to -- I don't want you to feel like
4 I'm not telling you what -- you know, it is both is
5 why -- what the privileges have been asserted. What
6 I'm saying is that especially -- I have no problem as
7 far as showing the email addresses to show that it's a
8 lawyer that it's sent to with the text being redacted.

9 THE COURT: Just because there's a lawyer
10 on a text stream or an email stream does not actually
11 mean it's attorney-client privileged. There are a lot
12 of other considerations that make something
13 attorney-client privileged or that show that it has
14 actually been waived. So, that alone is not going to
15 be enough.

16 Here is what I do not want to happen. I
17 do not want you to redact everything and then make a
18 series of claims about why until you land on one and
19 then I have to look at every single document before you
20 turn it over. I'm not interested in that, that's not
21 you doing your job, and so that's not what we're going
22 to do. Um.

23 We have a protective order in this case.
24 You can mark it with that and send it over, and if
25 Mr. Ogden agrees that part of it is attorney-client

1 privileged and hasn't been waived by the client, by
2 including I don't know who in the e-mails, then he will
3 take appropriate action, I am confident.

4 MR. REEVES: Okay. I can deal with
5 Mr. Ogden on that. Thank you, Your Honor.

6 THE COURT: All right. And Mr. Ogden --
7 Mr. Reeves, rather, do you want Mr. Ogden to -- do you
8 want to challenge what he is going to say his fees were
9 for preparing this motion and coming to court today to
10 present it and preparing an order?

11 MR. REEVES: Your Honor, I think that if
12 Mr. Ogden will send me what his thoughts are on that as
13 far as -- that he and I can hopefully try to work out
14 an agreement on that so that we're not having to put
15 that on your plate.

16 THE COURT: So, include that in the order
17 that you send me, then, please.

18 MR. OGDEN: Yes, Your Honor. Thank you.

19 THE COURT: Okay. Great.

20 All right, then we are ready, all right,
21 we were ready to move onto the Heslin, Pozner, and
22 Lewis cases.

23 MR. OGDEN: Your Honor, before we start I
24 just wanted to make the court aware, I have an
25 11:00 o'clock hearing and I didn't want to interrupt

1 anybody by leaving. I'm not arguing this motion but I
2 do want to stick around as long as I can, if that's
3 okay.

4 THE COURT: That's fine. Thank you for
5 telling me.

6 MR. OGDEN: Thank you.

7 THE COURT: I'm ready when you are,
8 Mr. Bankston.

9 MR. BANKSTON: You're ready.

10 THE COURT: I am.

11 MR. BANKSTON: Okay. So, the motion I'm
12 going to take up is the corporate deposition motion.
13 And as I believe you had mentioned earlier, you had
14 talked about the charts that you had just gotten.

15 THE COURT: Yes.

16 MR. BANKSTON: And some of those relate
17 to some of these same issues. Basically, we had
18 post-remand written discovery and that's been pending
19 since October. We had a hearing on that sanctions
20 motion. And then --

21 THE COURT: But okay, I thought I
22 decided -- so, here is, to take you off track, I'm
23 trying to find a page that doesn't show any other case.
24 Okay. So, you guys probably can't see this, but.
25 There you go. This -- I have this for each of our

1 cases.

2 MR. BANKSTON: Sure.

3 THE COURT: And under "Orders Under
4 Advisement" I don't have anything written down. Which
5 means I think I've decided everything we've had a
6 hearing on. Do you disagree?

7 MR. BANKSTON: Yeah. Yeah, let me take
8 you through that real quick.

9 THE COURT: So, I messed up somewhere in
10 my record keeping. And honestly, it's because it has
11 the same name.

12 MR. BANKSTON: And actually I think it
13 works out for the best in this case.

14 THE COURT: Okay.

15 MR. BANKSTON: I think it's going to help
16 you.

17 THE COURT: Okay.

18 MR. BANKSTON: Because what had happened
19 is on 10/25 we had had a hearing on a motion for
20 sanctions regarding written discovery post remand. So,
21 this is the discovery that we thought was due for
22 damages and punitive damages post remand. We had that
23 hearing and, in fact, Defendants have filed a response
24 on the day of the hearing, so you had given me leave to
25 file a reply.

1 THE COURT: Right.

2 MR. BANKSTON: So, I had filed that reply
3 and then about three weeks ago Miss Ward had contacted
4 us and said, what the judge would like you to do to
5 help resolve these motions is to create a chart of all
6 the requests, put what was originally requested, what
7 Plaintiff still says they need, et cetera, and what
8 Defendant still needs.

9 That same day, I -- the very following
10 morning I emailed Miss Ward back, said, hey, I filled
11 out the chart, I got it all completed, I sent it over
12 to Defendant's counsel, as soon as Defendant's counsel
13 fills in their section for what they think they've
14 produced, I'll turn in the chart to you.

15 That time went by and, it wasn't until
16 yesterday, finally I emailed Miss Ward and said, hey,
17 more than three weeks have passed, they haven't sent
18 the chart, here is the chart that's incomplete, I hope
19 it's still helpful even though it's only our side, and
20 then a couple of hours later Mr. Reeves put together
21 something and sent that to her, as well.

22 So, that chart reflects to the written
23 discovery for that motion that still is yet undecided.

24 THE COURT: Okay, and I have it and I've
25 looked for it, I still can't find it and I asked

1 Miss Matusek-Steele to look for it. So, she actually
2 came in today, so she's here so I don't have to get off
3 the bench to go and find it.

4 MR. BANKSTON: All right. Now
5 technically that motion isn't set for today.

6 THE COURT: Because I've already heard
7 it.

8 MR. BANKSTON: Sure, you already heard
9 it, exactly. And it relates to today, of course.

10 THE COURT: Right. I actually thought it
11 was done, but that's okay. Okay.

12 MR. BANKSTON: And also --

13 MR. REEVES: And Your Honor --

14 MR. BANKSTON: -- a lot of those topics
15 relate to the same deposition topics that we're going
16 to be talking about today in the corporate deposition,
17 as well. So, these areas overlap and, in fact, the
18 remedies that we're asking are basically the same in
19 both motions. So, the fact that you're going to decide
20 them at the same time, honestly, makes a lot of sense.
21 It's going to help us.

22 THE COURT: Okay. And I did read
23 Plaintiff's Motion For Sanctions Regarding the
24 Corporate Deposition, Defendant's Response in
25 Opposition, and then they sent me a proposed order, as

1 well. So, those are the pleadings I have read, um, in
2 preparation.

3 MR. BANKSTON: Perfect.

4 All right. I'm going to share my screen,
5 as well.

6 All right. So, this motion about
7 corporate depositions. I want to go through some of
8 the background; obviously, I don't want to do the
9 background to the entire discovery but just the efforts
10 that we've taken to get a corporate deposition.

11 So, we were first ordered one in Heslin
12 back on August 31st, 2018, Defendants refused to appear
13 at that deposition. We had a deposition ordered in
14 Lewis on January 25th, 2019. The defendant designated
15 Rob Dew. Mr. Dew was not prepared. This court called
16 it a worthless deposition and at that time they paid
17 attorneys fees.

18 Upon remand of the Heslin case in 2019,
19 Defendant again refused to appear and the court granted
20 a contempt motion, at that time fining Defendants
21 \$25,000.

22 On the fourth time we tried this, there
23 was a deposition ordered in the Heslin IIED case on
24 October 18, 2019. Defendant again designated Rob Dew.
25 Again Rob Dew was not prepared. We cited a

1 considerable portion of Mr. Dew's testimony from that
2 deposition in our motion, and the reason we did so is
3 because it's functionally identical to some of the
4 testimony we're going to be talking about.

5 On December 20th, 2019, the court again
6 granted contempt and held a default under advisement.
7 There was a \$100,000 sanction. The defendants promised
8 they would get the discovery situation fixed up before
9 the appeal was over. Upon remand in 2021, Defendants
10 ignored the entirety of their discovery problems for
11 months, and then that resulted in a default judgment.

12 At that time, back on August 31st, 2021,
13 you told me, "My concern is that you need this
14 discovery even for a damages trial." My question is
15 just, if you're trying to get punitive damages, you
16 probably do need more discovery. And I told you at
17 that time, after this hearing and I have more of an
18 understanding of what the scope of discovery is like
19 going forward, then we'll serve new discovery requests
20 and depositions that we may need.

21 At that time I was owed about four
22 separate depositions, and obviously I could take
23 depositions in all of the cases individually. Um.
24 What I agreed to do with Defendants is to have one
25 deposition for the corporate deposition. We would have

1 one single deposition, it would cover some of the
2 topics from the discovery order that were still
3 relevant to punitive and compensatory damages, and then
4 there would be some additional topics also on damage
5 issues.

6 THE COURT: For the three cases.

7 MR. BANKSTON: For all three cases,
8 exactly. There would be one deposition cross-noticed
9 on all three cases.

10 So, the topics that we -- we did, we kept
11 these topics from the 2019 discovery order that they
12 still owed me, which was sourcing and research for the
13 videos described in Plaintiff's petition, the internal
14 editorial discussions regarding their coverage of Sandy
15 Hook -- and these were, of course, the two topics that
16 Rob Dew has never been able to answer and that they've
17 been repeatedly held in contempt for. These are the
18 topics that are still really relevant to my punitive
19 damages claim.

20 We also had the topic the documents
21 produced by the company in response to Plaintiff's
22 discovery requests: The efforts made by the company to
23 preserve potential evidence. And then Defendant's have
24 also agreed to the following three topics: The
25 company's knowledge of the plaintiffs, the audience

1 reach of the challenged publications, and the company's
2 business structure and its relationship with other
3 parties.

4 Now, they produced -- on December 3rd
5 they produced a woman named Daria Karpova. She's some
6 sort of producer at InfoWars. She's not intimately
7 involved in the production of these videos that are at
8 issue in this case, but she's a producer there. She
9 was not able to give meaningful testimony on any of
10 these topics. The reason is due to her preparation.

11 And it is really -- is shameful how
12 poorly prepared she was for this deposition,
13 considering especially the prior history of the case.
14 She spent maybe an hour with her counsel of record,
15 that's it, two days before the deposition.

16 She then spent a couple of hours on the
17 day before the deposition with Marc Randazza.
18 Mr. Randazza actually came down to Texas, prepared the
19 witness, and he actually attended the deposition of
20 Mr. Jones on the Saturday. He didn't appear at the
21 weekday depositions but he appeared at that one. And
22 so, apparently he had spent a couple of hours with her,
23 and that seems to be the bulk of what actually
24 happened.

25 She said she actually spent one hour

1 preparing by herself. She said that she spoke with the
2 prior corporate representative, that was Mr. Dew, who
3 gave her no information. And it's strange, because
4 Mr. Dew should have been the first person to be able to
5 tell her: There's some things you need to get prepared
6 for and here is what they are, and here is what I was
7 not prepared for. And instead she described the
8 conversation as Mr. Dew saying, "No, you're fine, go
9 for it, you should be all fine." She did not speak
10 with Mr. Jones or any employees involved in creating
11 any of the videos.

12 Now, Miss Karpova was not required as a
13 corporate representative to have personal knowledge,
14 but the company was required to prepare her by using
15 those who do. And these are the individuals who
16 actually have that personal knowledge. They're ones
17 who are actually firsthand involved in these videos.
18 She didn't speak to anybody.

19 Here is the total universe of documents
20 that Miss Karpova had prepared for before the
21 deposition. She had pulled the "Wikipedia" articles
22 for false flag, the Reichstag Fire, and Pearl Harbor
23 advance-knowledge conspiracy theory. She had an
24 article from "History Today" summarizing the sinking of
25 the USS Maine in 1895. She had an anonymous blog post

1 from D.C. Clothesline.

2 She had a bio of Dr. Steve Pieczenick,
3 who is an InfoWars guest. She had an article from
4 "LovetheTruth.com" entitled "I Think Sandy Hook Was a
5 Massive Elaborate Hoax." And she had two news articles
6 with what she called interesting information regarding
7 the victim's mother and her request to have an open
8 casket.

9 So, it looks like what Miss Karpova did
10 was basically just Google some stuff, and none of it
11 really relevant to the case, per se, and certainly not
12 preparing for all of those topics that we just talked
13 about.

14 When you see her testimony, and we've
15 quoted in that motion, as I'm sure you've read, a lot
16 of her testimony, and it's not -- we -- we could have
17 quoted so much more. I mean honestly, the whole
18 deposition is there, it's in the Box, it is a painful
19 deposition to read. It was extremely frustrating.
20 Particularly in light of what has happened in prior
21 depositions, it was astonishing to have a corporate
22 representative giving the exact same answers, the exact
23 same kind of, oh, yeah, no, I didn't do anything to
24 prepare, I haven't even watched that's videos, nobody
25 has watched them, nobody has catalogued them, reviewed

1 them, figured out what they say.

2 I mean, I come into corporate depositions
3 all the time and you have corporate designees who have
4 been very prepared, they have notes about who they
5 talked to and what they were told. I mean, you go into
6 a plant explosion case, a failed tire, a medical
7 device, any other corporate case, your corporate
8 designee is going to be prepared because they have
9 those duties to do that.

10 Now, like I say, we produced a lot of
11 that testimony to you, but one thing I did want to do
12 is, because the court of appeals places a great premium
13 and deference on you actually seeing the demeanor and
14 the credibility of the witness, so I want to show you
15 about ten minutes of Miss Karpova's testimony.

16 THE COURT: All right.

17 MR. BANKSTON: And I think not so much on
18 the credibility as in personally Miss Karpova doesn't
19 have credibility or something like that, but what I
20 think you'll see from the demeanor of this witness is a
21 witness who was clearly unprepared to testify, and
22 you'll see how frustrating that was. So, I'm going to
23 play that now.

24 *(Video recording played off the record)*

25 MR. BANKSTON: All right, Your Honor.

1 So, that is the testimony, a little bit of a sample of
2 what I got. And it was this for every topic. So, when
3 it came to the audience reach she could not tell us
4 what audience it reached, where InfoWars videos were
5 disseminated. I still to this day can not prove where
6 InfoWars videos were disseminated at any time during
7 any point of this case.

8 Obviously couldn't tell us anything about
9 the plaintiffs, the videos. The internal editorial
10 discussions she denied even exists. She took no steps
11 to prepare on those, she said we never had editorial
12 discussions about Sandy Hook. And we know from the
13 documents that we do have or we've been able to piece
14 together that, yes, they absolutely did. Indeed, their
15 internal employees were telling each other that our
16 sources are crazy. There was no ability for
17 Miss Karpova to talk about any of these, for any of
18 these topics.

19 And we got a response, um, and it's sort
20 of surprising to me, because the response only makes
21 two arguments, and they're both patently frivolous.
22 Which is -- the first argument that Defendant's
23 response makes is that the complaints about the
24 corporate representative were unfounded and without
25 merit. That she was more than able to and did provide

1 appropriate responses to Free Speech System's
2 knowledge, understanding, and information it had which
3 relate to the issues in this case. And respectfully,
4 that's just not true.

5 I mean, you just saw on a video where she
6 answered to the question about your knowledge of the
7 plaintiffs, what information -- do you know what
8 information the company has about any of these
9 plaintiffs? And she said no, I don't. I haven't been
10 prepared. I haven't looked -- the only documents that
11 she looked at was some smear job about Miss Pozner
12 having an open casket funeral. Didn't even look at any
13 of the documents that have been produced about any of
14 the plaintiffs. And they're going to try to tell us
15 with a straight face that this was okay.

16 And then that means that, if this
17 deposition was okay, then the court's prior orders, the
18 multiple prior orders about the prior depositions were
19 wrongly decided because it was the same testimony.
20 It's the same situation. The person is like, I did
21 functionally nothing to prepare for these topics. And
22 what happened here is pretty egregious because they
23 spent less than an hour with their counsel of record,
24 and the entire deposition is really just a product of
25 Marc Randazza. And big surprise, we don't have any

1 useful information after that happens.

2 Their second argument is that every issue
3 raised by the plaintiffs in their motion touches on the
4 issue of liability and not damages. And this again is
5 just frivolous. Because, even as you recognized at the
6 hearing, a lot of these issues are still going to be
7 relative to Plaintiff's punitive damages case. The
8 plaintiff is going to have to prove how egregious
9 InfoWars' conduct was, how far it departed from the
10 standard of care, because that is going to be what
11 determines the amount of punitive damages. And then
12 some of these topics are just completely relevant to
13 compensatory damages.

14 So, there is not an issue here that none
15 of this was relevant. If none of this was relevant, we
16 wouldn't have gone forward, there would have been no
17 reason to take this deposition.

18 So, these are two complete excuses that
19 just ignore the reality of the situation. Even now,
20 this late into the case, Defendants are not going to be
21 able to look at that deposition and say, yes, that was
22 inadequate. They will not take responsibility for
23 that.

24 I want you to remember that back on
25 November 26, 2019, Jones gave a deposition. And you

1 saw that deposition during the default judgment
2 hearing, that's the clip we played during that hearing.
3 And what you may remember is there were lots of
4 questions where Mr. Jones said, Well, yeah, I didn't
5 produce this but I didn't really know what you were
6 looking for, and of course I can identify my sources,
7 of course I can pull that up, oh, we just have to go
8 back and pull it up real quick, it wouldn't be a
9 problem at all, now that I know what you're looking
10 for, is what Mr. Jones was saying.

11 And this was already after we had gone
12 through discovery a couple of times, so even back in
13 2019 those answers were a little ridiculous. But
14 Mr. Jones assured us that he could identify his
15 sources. And this appears to be borne out by the
16 exhibit that we submitted that you have there in the
17 Box with you. There was just recently a statement made
18 on Mr. Jones' show right after the deposition. And so,
19 I want to just play you about ten seconds of Mr. Jones
20 talking about his archivist.

21 *(Audio recording played off the record)*

22 MR. BANKSTON: So, Mr. Jones says he has
23 a bloodhound who can find all this stuff. And why
24 wasn't that person involved in the corporate
25 deposition. Why didn't Miss Karpova talk to that

1 person, if they have an archivist and we're going back
2 and looking for this stuff.

3 And instead, you have Defendant's counsel
4 who are coming in filing responses saying, no, no, the
5 company can't find that information, that information
6 doesn't exist, there are no records, there's nothing to
7 go look for. And here you have Mr. Jones saying, no,
8 we have an archivist who can find it. And Miss Karpova
9 never talked to him or any employee ever involved in
10 any of this stuff.

11 The reason is -- Mr. Jones revealed it
12 pretty clearly at his deposition that we took the day
13 after Miss Karpova's deposition. And what we learned
14 there is that Mr. Jones just straight-up admits he
15 doesn't care. So, I asked him in that deposition, hey,
16 do you remember back in your prior deposition you said
17 that you could find all this stuff. You said that if
18 we needed these sources you could go pull them up, it
19 wouldn't be very difficult at all. Do you remember
20 saying that?

21 He says, yeah, I remember saying that.

22 I said, well, you haven't done that, have
23 you? Why haven't you done that?

24 And as you'll see cited in our motion,
25 Mr. Jones' answer to me is, well, frankly, Bankston,

1 you don't occupy much space in my mind.

2 He doesn't care. He knows that he's
3 supposed to be doing these things, he does not care.
4 And the lawyer that he actually has running the show,
5 who keeps parading now the eighth lawyer in here to try
6 take the fall for this, that lawyer who is actually
7 running the show doesn't care, either.

8 And it gets ridiculous because now here
9 we are, every single time Defendants have come up on a
10 sanctions motion, any time that this has happened they
11 go get a new lawyer. They just take the last lawyer
12 and throw it under the bus. And it is very ironic to
13 me in this case that in both hearings we're having, in
14 the Fontaine and the Sandy Hook hearing, are both being
15 argued by a lawyer who had no personal involvement
16 whatsoever in the discovery that's being agreed about.
17 Which is doubly ironic in this particular case because
18 the lawyer who ostensibly did, although he spent less
19 than an hour with his deponent, is actually here
20 sitting in this hearing but not arguing this case.

21 And this sort of -- this farce grows old
22 after a certain point.

23 It leads us to the conundrum that I
24 really have in this case and that I think is also
25 facing you. And the conundrum is what do you do when

1 you're a defendant against whom liability is assured,
2 but there are skeletons in your closet which can
3 inflame a punitive damage verdict. What if there are
4 communications that are really bad, things that you
5 were saying to people, crazy people you were talking
6 about to try to get to harass people, secrets that if
7 they come out would be super damaging. What do you do
8 if you're an unscrupulous defendant.

9 Well, you obstruct discovery, you incur a
10 default if necessary, because it doesn't matter,
11 liability was always assured. It was never a question
12 of liability. The idea is to prevent horrific facts
13 from reaching a jury, potentially saving you millions
14 of dollars.

15 If you were to design an artificial
16 intelligence to defend this case, to adopt this
17 strategy, and that artificial intelligence had no
18 scruples and no respect for the rule of law, this is
19 the strategy it would come up with. This is the
20 rationale which to approach this case if you have no
21 respect for the rule of law.

22 And so, sometimes people say to me about
23 this case, they see these hearings, they see each new
24 lawyer come in, they see just the constant mess that
25 has come and they say to me, why do you think Jones is

1 acting so irrationally?

2 And I say maybe he's not. Maybe this is
3 perfectly rationale. Maybe that's exactly what's going
4 on is that this is the perfect strategy for him to
5 adopt if he's not going to respect the rule of law.
6 Because no matter what we do in this courtroom, no
7 matter what is any way of your arsenal of remedies that
8 you can do, it will never be worse than the millions he
9 might lose if those punitive damage facts ever reach
10 the jury. So, it's always going to be profitable for
11 him to take this course of conduct.

12 This makes it difficult for me, because I
13 don't even really know what remedies to tell you. The
14 strange thing is that I'm going to tell you basically
15 the same remedies that I had in the last sanctions
16 motion we had, the other one that's pending. And I
17 think these can just be decided together and these can
18 be the remedies. But I'm going to be real honest with
19 you, I'm not sure they do the trick. I don't know what
20 to do. All that I can do is point you towards 215.

21 And so, we look at the remedies that are
22 left in 215. And the first one is (b)(1), which is an
23 order disallowing any further discovery of any kind.
24 And this is the one I think has to happen. Because now
25 we've been to a point -- we don't even have basic

1 written discovery in nearly any case. We have no
2 Request for disclosure in anything. Any written
3 discovery that has occurred in any of these cases is a
4 joke, has been granted sanctions on it, has never been
5 supplemented. We don't have the most basic information
6 about this case. And as you've seen, the corporate
7 deposition has been another waste. Repeatedly just a
8 waste of our time. We have been denied so much.

9 Now, Plaintiffs, on the other hand, have
10 produced an expert designation; they have produced all
11 the documents that their expert has relied on, all of
12 their experts have relied on. All of the plaintiffs
13 have now appeared for deposition. They were required
14 to appear for in-person deposition right at the height
15 of Omicron. They did that. They gave defense counsel
16 their depositions.

17 But 14 days from today I'm supposed to be
18 responding to written discovery and I'm supposed to be
19 producing documents. And of course I'm going to be
20 doing that in a forthright way, if I'm required to do
21 it. And they're going to get this benefit, this
22 unequal benefit, of moving into Plaintiff's damages
23 trial being given the grace of the discovery that they
24 had no, no, no respect to give to the plaintiffs.

25 And now, after seeing what just happened

1 in this corporate deposition, after giving a chance
2 after default, I think we can see now it would be very
3 unfair to make Plaintiffs respond, Your Honor.

4 So, I'm going to ask you for one of two
5 things for you to let me know at the end of this
6 hearing, which is either, one, that you're going to
7 order this and I don't have to respond to that
8 discovery; or, two, that my obligation to respond to
9 that discovery is stayed until 14 days after you make
10 your decision. So that that way that isn't mooted in
11 the interim. So, one of those two things I would ask
12 you to let me know today.

13 The other two things that I would ask you
14 is (b)(2) is an order charging any or all portions of
15 the expenses of discovery. I think we should probably
16 do this, I certainly think we should submit our costs.
17 Again I have to be honest, I don't think that's much of
18 a remedy or a deterrence; because they're going to much
19 rather pay that cost than have the actual facts of the
20 punitive damages case come out. This is all part of
21 that calculus. There's really no practical amount that
22 you could ever sanction them that would make it less
23 profitable to do what they're doing right now.

24 The final is (b)(3), which is an order
25 that designated facts be taken as established for the

1 purposes of the action. We've taken an attempt to do
2 this in our proposed order. And you'll see, you should
3 have a paper copy of that, we have a copy in the Box
4 for you, we've tried to do that. And you can take a
5 look and maybe we've done it right, maybe we haven't.
6 The idea being that we give something like an
7 instruction to the jury that says, if there is a
8 factual dispute over any of the following topics, which
9 is the corporate rep. topics, if there's a factual
10 dispute among the parties you are to take that fact as
11 to be taken as established in favor of the plaintiffs.
12 That would be the way that we would think that that
13 would be done. So, we've taken a stab at doing that.
14 Um.

15 But to be honest, Your Honor, I don't
16 really know what to do at this point. And, thankfully,
17 I think we're at the end, I don't think there's any
18 more discovery to take. There's some lingering net
19 worth issues that are hopefully going to be worked out
20 in Fontaine that we'll be able to get that all taken
21 care of. But I think we're done and I think we just
22 need to get to trial. But on this particular thing I
23 think we need our final remedy here, which is we were
24 supposed to be given an opportunity to do this kind of
25 damage discovery, um, that we needed this for a damage

1 trial, and we were met with something completely
2 ridiculous.

3 So, again we would ask for those
4 remedies. And as far as we wanted to let you know
5 today what you're thinking on that so I can know what
6 to be doing over the next 14 days.

7 THE COURT: All right. We're going to
8 take an -- is that it?

9 MR. BANKSTON: That is it, Your Honor.

10 THE COURT: All right. We're going to
11 take a ten-minute break, 15-minute break. We'll come
12 back at 10:35.

13 MR. BANKSTON: Okay. Thank you, Your
14 Honor.

15 THE COURT: Thank you.

16 MS. BLOTT: Thank you, Your Honor.

17 *(Brief recess.)*

18 THE COURT: All right, welcome back.
19 Okay. YouTube should be working. We worked on it over
20 the break, I think it's working again.

21 I want to apologize for anyone -- a
22 number of people had reached out to my office this
23 morning, um, wanting to watch. I'm sorry, we had
24 technical difficulties. We do the best we can.
25 Similarly, you know, imagine if we were in person and

1 we had more people than could fit in the courtroom,
2 some people wouldn't get to see. That's kind of how I
3 interpret a technical problem like this, as well.

4 As a reminder, since you may not have
5 seen what I said earlier, there is no recording of
6 these proceedings by an observer. So, you know, that
7 applies to you basically. If you think, does that mean
8 me? It means you, yes.

9 Well, Mr. Bankston, you didn't get your
10 chance on YouTube today, but Miss Blott, you do.

11 MS. BLOTT: Thank you, Your Honor.

12 May I proceed?

13 THE COURT: Yes.

14 MS. BLOTT: Um, I will attempt to address
15 the allegations that are in the motion for sanctions
16 with respect to the corporate representatives as
17 succinctly as possible, Your Honor, but feel compelled
18 to address some of the comments that Mr. Bankston made,
19 specifically with respect to they don't like what
20 happens, they hire a new lawyer and they throw all the
21 previous lawyers under the bus.

22 I have been licensed to practice law in
23 Texas for 32 years on the plaintiff's side having to do
24 with mass tort litigation. So, when I read discovery
25 requests and I respond to discovery requests, I am

1 quite truthfully as transparent as the Rules of Texas
2 Procedure require me to be and obviously do not produce
3 anything that is attorney-client privileged or subject
4 to the attorney work product.

5 Mr. Reeves has not been fired. The fact
6 that he is not arguing this motion has nothing to do
7 with him individually as an attorney or professionally
8 as an attorney, but a decision that the clients made
9 based on the years of experience that I have versus the
10 years of experience that Mr. Reeves has.

11 So, that having been said, Your Honor, I
12 would like to proceed to address Mr. Bankston's
13 allegations in his motion to compel. Or motion for
14 sanctions, excuse me.

15 And I would like to first point out, Your
16 Honor, that I'm only focusing on the designation -- or
17 the deposition of the corporate representative because
18 all of the other motions for sanctions, motions to
19 compel, have been addressed by this court. They are
20 what they are. We need to move forward, we need to get
21 this case on track, and we need to get it to trial.

22 First and foremost, I would like to
23 address globally whether or not Miss KAR-pov --
24 Karpova, excuse me, um, was she disingenuous, was she
25 disrespectful. It was quite easy to assume that she

1 was based on the limited video clips that Mr. Bankston
2 presented, as well as the limited excerpts, if you
3 will, from her deposition that are actually contained
4 in her deposition. So, first and foremost I would like
5 to globally address that and then I will get into more
6 detail as it's pertinent to your ruling.

7 First and foremost, Your Honor, the
8 deposition notice of the corporate representative was
9 the third amended deposition notice, and it was served
10 on Free Speech Systems, LLC and Free Speech Systems,
11 LLC only. She was not there to represent or speak on
12 behalf of InfoWars, LLC. You will see that, despite
13 the fact that she was only designated as a corporate
14 representative for Free Speech Systems, that
15 Mr. Bankston's questions 99.9 percent of the time were
16 addressed to -- as they related to InfoWars, LLC.

17 Now, Mr. Bankston's right, she is not a
18 seasoned witness, she not an expert retained for the
19 purposes of trial. She is just an ordinary citizen who
20 does not involve her life in practicing, if you will,
21 depositions. She answered all of his questions as --
22 regardless of who or what legal business entity they
23 related to.

24 Again, Your Honor, the only remaining
25 issues after the various orders in this court in all

1 three cases are the issues on damages and not
2 liability. And while I understand and appreciate that
3 in a defamation case there are some facts that spill
4 over, which would traditionally just be a liability
5 issue are also relative to damages; but regardless, she
6 answered all of Mr. Bankston's questions as best as she
7 could based on her knowledge of events.

8 Third of all, Your Honor, he includes --
9 the majority of the videotapes about which he complains
10 of her responsiveness are video clips from as early as
11 2013. They are outside the scope of the statute of
12 limitations on this case. The -- obviously with the
13 potential infliction of emotional distress claims, that
14 would be April 16th of 2016. But again, regardless,
15 she did her best to answer the questions she had, and I
16 believe she did so fully and completely.

17 With respect to the documents that
18 Miss Karpova brought to the deposition, I would like to
19 point out, Your Honor, that this was not a notice of
20 deposition and subpoena duces tecum. She was not
21 required to bring any documents to the deposition.
22 However, she did. And when questioned by Mr. Bankston
23 about what documents she brought and why, her response
24 was that she believed that those documents would help
25 refresh her memory in the deposition to the extent that

1 she needed it so that she could provide complete and
2 full testimony.

3 That is not a statement or the action of
4 a witness who comes to be obstreperous and not answer
5 the questions of the questioning attorney.

6 So, in that regard I have broken down the
7 topics about which Mr. Bankston complains. His first
8 issue has to do with in his opinion she did not spend
9 sufficient time with her counsel or any other
10 individuals preparing for her deposition. That is not
11 his decision to make, and it's not sanctionable
12 conduct. The only thing that is relevant is was she
13 sufficiently prepared.

14 He represented that she met with Brad
15 Reeves and with another counsel who is not of record,
16 Mr. Randazza. She met with them for hours. She could
17 not quantify the number of hours she spent with them,
18 but she did spend hours with them. Obviously the
19 attorneys who have -- were representing Mr. Jones at
20 the time, including Mr. Reeves, felt that the time that
21 they spent with her was sufficient and it was their
22 judgment and their only judgment to make.

23 She also testified that she met with
24 Mr. Dew, who is a former corporate representative in
25 another deposition. She met with Mr. Zimmerman. That

1 was left out. He was also a former corporate
2 representative, um, who was deposed by the plaintiff.
3 He did leave out the fact that she also met with the
4 head of human resources, Melinda Flores, in order to
5 gain additional information on personnel that she hoped
6 and believed would lead her to be able to more
7 completely answer Mr. Bankston's questions as they
8 related to the producers.

9 So, let's address his topics. He wants
10 her sanctioned because she could not answer his
11 question on who did the research. And with all due
12 respect to Mr. Bankston, he did not ask the right
13 question. He was so busy asking her, did this person
14 do the research, did this person do the research, who
15 did the research, and if you read her deposition in its
16 entirety and not limit yourself to the excerpts that he
17 chooses to bring forward, um, you see that, for
18 example, on page 69 of her deposition, I have the
19 deposition up and unless I'm technologically challenged
20 I can share my screen, but he shows her a document and
21 she testifies, well, this isn't research that's coming
22 from a particular employee that's feeding Alex any
23 information. This appears to me as Alex's opinions and
24 commentary on the situation that he has -- is -- has in
25 front of him that he's watching based on main street

1 news reporting and other sources that he might have had
2 at the time.

3 THE COURT: I don't see that on page 69.

4 MS. BLOTT: And you know, Your Honor, and
5 I apologize because I have a -- the dirty transcript up
6 and I use the number from the PDF. So, I am scrolling
7 to that right now. Let me jump to it.

8 THE COURT: So, I have both versions, one
9 I have on paper and the one I have just digitally. So,
10 the one I have on paper is the, you know, the fast one
11 you get that's not broken out into four pages.

12 MS. BLOTT: Right.

13 THE COURT: That's the one I have. It
14 has page numbers, however, and 69 does not have what
15 you just read to me.

16 MS. BLOTT: Okay, it is on -- I have to
17 find -- it's on the dirty -- what I call the dirty
18 transcript it is on page 74, line 17 through line 23.

19 THE COURT: Um, does the page number come
20 at the end of the page or the beginning of the page?
21 It comes at the end, right? Okay.

22 MS. BLOTT: I'm looking.

23 THE COURT: Okay, I found it.

24 MS. BLOTT: Let me know when I may
25 continue, Your Honor.

1 THE COURT: You can.

2 MS. BLOTT: Okay. And again, and I'm
3 addressing the research issue brought up by him. She
4 again testifies on page 80 -- or, excuse me, page 78.
5 He again is asking her about a document: It came from
6 either that interview with Mr. Halbig that was included
7 in this video or a source that Alex Jones had.

8 Again on page 80: We don't keep those
9 kinds of records of any show.

10 You can't produce what you don't have.
11 If in the response to the discovery that was
12 propounded, which I have not read, admittedly, yet,
13 they failed to say that they did not have those
14 documents, they should have.

15 With respect to pictures, and this was a
16 picture I believe of -- from the Sandy Hook that had
17 an -- oh, it was a picture of the children as
18 teenagers, um, they don't have those --

19 THE COURT: Let's be clear. It was a
20 picture of some people who were teenagers.

21 MS. BLOTT: Yes. And I apologize.

22 THE COURT: Because it clearly was not
23 the children involved in Sandy Hook, because they never
24 got to be teenagers.

25 MS. BLOTT: Unfortunately, absolutely,

1 unfortunately and very, very tragically as a mother.

2 We don't keep -- or pictures were
3 produced by guests on the show. They don't have those
4 pictures. If a picture wasn't produced by the company,
5 then we don't have a record of that, of the picture.
6 That appears on page 80.

7 With respect to sourcing, and this is a
8 big issue. Free Speech Systems is not ABC, they are
9 not KXAN, they are not CNN. They do not have dedicated
10 staff to do dedicated things, as you would expect to
11 see in one of the major networks. Sourcing is not
12 done. So, what Miss Karpova did in an effort to fully
13 and completely -- or strike that. Records of sourcing
14 are not necessarily maintained.

15 So, what she did in an effort to be
16 completely transparent was to say that, on page 54 of
17 her deposition, It's pretty much impossible to figure
18 out on that particular day of the -- what was the
19 sourcing. We don't have that kind of documentation for
20 every show and every video.

21 And then again, page 68, line 17
22 through 23: A lot of information that Alex had
23 commentary upon came from meshoo (phonetic) media,
24 videos, or articles. There is no way to access every
25 single piece of that information at this point. It

1 would be hard, even if it was the day before, to have
2 access to whatever the sourcing was for Alex at that
3 particular time.

4 So -- but instead of saying she doesn't
5 know: Mr. Bankston, this is the likely source of that
6 information.

7 With respect to specifically the Sandy
8 Hook videos, again he asked it as it related to
9 InfoWars, but she testified the sources would be -- and
10 Your Honor, this is at page 46, Mr. Halbig and
11 Mr. Pieczenik, and I'm probably mispronouncing his
12 name. That's on again page 46.

13 Then he asked her about the final
14 statement on Sandy Hook. And she knew, although there
15 was not a record of it, that information came from the
16 Wayback Machine. That testimony is on page 115 of her
17 deposition.

18 With respect to an April 22nd, 2017,
19 video that related to Mr. Pozner: It's based on the
20 previous videos that were watched by Alex and
21 statements that were made by Mr. Halbig.

22 I don't know how she could have answered
23 the questions more specifically when records are not
24 kept, but she in good faith gave him the answers to the
25 questions he asked, regardless of whether they were

1 directed to InfoWars or Free Speech, based on her
2 knowledge. So, she did provide sources. Her sources
3 that she identified were the Wayback Machine,
4 Mr. Halbig, Mr. Pieczenick, um, other sources of
5 information. And if Mr. Bankston doesn't like those
6 answers, I don't know what to do.

7 And then we go, Your Honor, to his
8 complaints about the editorial discussions. Um, the
9 question was as it relates to discussions with Free
10 Speech Systems' documents and their editorial
11 discussions. Well, what does editorial discussions
12 mean. Is a conversation between two employees in a
13 bathroom an editorial discussion? No.

14 THE COURT: Maybe. It depends on the
15 corporate culture.

16 MS. BLOTT: And that is true. But are
17 there formal discussions.

18 THE COURT: They don't have to be formal.

19 MS. BLOTT: I understand that. But other
20 than, as he pointed out, an email from an individual
21 criticizing or making a comment on the Sandy Hook
22 videos and the conversation between two individuals,
23 other than those, there are no editorial discussions of
24 which Miss Karpova was aware.

25 THE COURT: Right. But the problem is

1 she's not supposed to be aware because she was there,
2 she's supposed to be aware because the company needed
3 and had an obligation to prepare her, meaning gather
4 knowledge throughout the company and put it in this one
5 person to be a repository to deliver it to the
6 deposition. And by her own testimony she did not do
7 that and Free Speech Systems did not do that.

8 Every time she said, I didn't watch it,
9 or, I didn't talk to someone, or I didn't read it, she
10 is saying, judge, I didn't do what I said I was going
11 to do, I didn't do what the rules tell me I have to do.
12 That's what she did.

13 So, the fact that she came up with some
14 answers for some questions does not recover, it's not
15 enough to say, okay, well, she -- she spoke to two
16 people. She didn't even watch the videos that were the
17 itemized topic for this deposition.

18 If you truly have the experience you're
19 telling me you have, Miss Blott, then you know a
20 corporate deposition is not show up and answer what you
21 remember. That's not what it is.

22 MS. BLOTT: And I understand that, Your
23 Honor, and I appreciate it.

24 So, with respect to the editorial
25 discussions, if there is no documents of it how is she

1 supposed to find out the answer to that, especially as
2 it relates to editorial discussions that happened
3 between individuals who for the most part are not still
4 employed by InfoWars.

5 THE COURT: Well --

6 MS. BLOTT: Not because of --

7 THE COURT: -- to the extent that any of
8 them are, she should go by where they're standing and
9 ask them questions, number one. Number two, this
10 company has been sued for a number of years now and
11 should have taken all appropriate steps to preserve and
12 maintain this kind of evidence.

13 MS. BLOTT: To the extent that it ever
14 existed. And I don't know the answer to that, Your
15 Honor.

16 THE COURT: Because you're the eighth
17 attorney on this case.

18 MS. BLOTT: I was recently hired. That's
19 true. Um --

20 THE COURT: Any knowledge anyone of your
21 predecessors had or should have had, you have or should
22 have, and I am not going to hear any excuses that start
23 with "I'm new to the case."

24 MS. BLOTT: Okay. And I'm not going to
25 sit here and say that, Your Honor.

1 THE COURT: You just did. Literally just
2 said it.

3 MS. BLOTT: I am going to get to the
4 bottom of what has been produced, what, if anything,
5 has not produced, should it have been produced. And to
6 the extent that it should have been produced, it will
7 be produced.

8 And again, and this goes to the sources,
9 because it is important. Um, she assumed because that
10 was the only information, either personal knowledge or
11 through documentation, the documentation being the
12 videos themselves, that Mr. Halbig or Mr. Pieczenick
13 were the two sources of the videos because they were
14 the sources of the Sandy Hook information to begin
15 with.

16 He asked her to -- who the producers were
17 of each video identified in the broadcast. She does
18 not know the answer to that question because
19 documentation is not kept as to who the producers were.
20 And as I said, some of the videos that he questioned
21 her about went back as far as 2013. She wasn't even
22 employed there at 2013. And to the extent that that
23 information, based on her conversations with the people
24 in preparation for her deposition, was that information
25 still available, is it still available today.

1 THE COURT: I don't know because she
2 didn't try and find out.

3 MS. BLOTT: But what we don't -- but what
4 we don't know is did she ask the question of the --

5 THE COURT: We know that she didn't,
6 because she testified that she didn't talk to anyone.
7 And she didn't try to prepare. So, we do know.

8 MS. BLOTT: Well, and I -- we do know
9 that she talked to Mr. Dew; Mr. Zimmerman, who by the
10 way at the time she spoke to him was a former employee
11 that she tracked down; and Mr. Jones.

12 THE COURT: So, Mr. Dew gave a shockingly
13 offensive mockery of a corporate deposition. And then
14 her testimony was he said nothing to her. So, that
15 doesn't count as preparing. Okay. So, your clients
16 were sanctioned for Mr. Dew's performance. Sending him
17 to prepare the next corporate representative is
18 probably malpractice. It certainly isn't proper
19 preparation of a corporate representative for a
20 deposition in three lawsuits in state court.

21 You can continue.

22 MS. BLOTT: She sought out individuals
23 who she believed would have the information, including
24 not only Mr. Dew but Mr. Zimmerman and Mr. Jones.

25 THE COURT: She didn't talk to Mr. Jones.

1 She said, I didn't talk to Mr. Jones. She should have.
2 She should have because he has said, I'm InfoWars and
3 InfoWars is me, I'm Free Speech Systems and Free Speech
4 Systems is me. So, the corporate representative of
5 either of those companies absolutely should prepare for
6 their deposition via extensive conversation with
7 Mr. Jones to fill in all the gaps of their corporate
8 knowledge. But she testified that she didn't talk to
9 him in preparation for her deposition.

10 All right. Anything new, Miss Blott that
11 you haven't told me for your side?

12 MS. BLOTT: No. No, Your Honor.

13 THE COURT: All right. Mr. Bankston, any
14 kind of reply?

15 MR. BANKSTON: Yeah, I'll do a quick
16 rebuttal, Your Honor, because I think we're on the same
17 page.

18 I'm not implying that Miss Karpova was
19 disingenuous or disrespectful. I actually kind of felt
20 bad for her. She had been put in a hard spot by
21 Mr. Jones, who sent her in there to take this fall, and
22 I feel bad for her.

23 I've been told that I was given only
24 limited excerpts of her testimony. You've seen 40
25 pages of it in our briefing, so I don't think that's an

1 issue.

2 One of the big things --

3 THE COURT: I have the entire thing here,
4 right?

5 MR. BANKSTON: Yeah, you have the entire
6 deposition --

7 THE COURT: Right.

8 MR. BANKSTON: -- and, in fact, if you
9 need it, I don't think you do, but I can file the video
10 for you if you want to see the video, too. But I think
11 you have -- from the text and what you saw you have a
12 pretty good handle on the deposition.

13 I'm a little concerned, one of the things
14 that most concerned me is her saying that she wasn't --
15 she wasn't there on behalf of InfoWars, LLC.

16 THE COURT: Well, that concerns me, too.
17 So, is that true?

18 MR. BANKSTON: 90 percent of the
19 questions were directed to -- I don't think Miss Blott
20 I understands these companies at all. InfoWars, LLC
21 exists on paper only. It has no employees, no revenue,
22 no business functions, nothing. It's an intellectual
23 property holding company that has never been used since
24 2013. Free Speech Systems is the entire repository of
25 Mr. Jones's business.

1 Even if that's -- even if you ignore
2 that, right, that is already troubling, that the lawyer
3 who was actually involved, knows about these things, is
4 telling us this, and the lawyer who isn't is telling us
5 something totally different. Um. But even if --
6 Miss Blott should also be aware from prior orders that
7 InfoWars, Free Speech, and Mr. Jones are one thing.
8 And this court has repeatedly held that in connection
9 with other discovery motions.

10 So, to have to address these arguments
11 again and again and again every time there's a new
12 lawyer I believe is a waste of our time.

13 She also mentioned that some of these
14 videos are outside the scope of the statute of
15 limitations. And I just want to bring this up again,
16 because these kind of arguments are going to be
17 problematic. There's a default judgment. There is no
18 statute of limitations defense. And an intentional
19 infliction of emotional distress was pled based on a
20 continuing course of conduct from 2013 to the time of
21 suit in 2018.

22 So, all five years of those videos are
23 not only both subject of the suit but have now been
24 admitted liability under the default judgment rule.

25 She mentions that she was not -- the

1 deponent was not required to bring documents. And
2 maybe that's true, but she was required to prepare on
3 documents. And, Your Honor, obviously I think when one
4 of the topics is documents produced by the defendants,
5 to not have reviewed any of those documents is a big
6 problem. To only have pulled off some very bizarre
7 stuff off the internet about why Sandy Hook is a hoax
8 and about Noah Pozner's open casket I just think is
9 insulting.

10 You know, your honor, I really -- I can't
11 emphasize enough that there were in the corporate files
12 187 page comprehensive report on Mr. Pozner and his
13 relatives, and I still don't know why they had it, I
14 still don't know what they've ever done with it.
15 Really I think I may know the answer, but I -- it's
16 terrifying to me that we really don't know what they've
17 done with this information.

18 She said that she couldn't quantify the
19 time that she spent with counsel. She absolutely did.
20 She said under an hour, maybe an hour with Brad Reeves
21 and a couple of hours with Mr. Randazza and that's it.

22 You're very correct on Mr. Dew with her
23 meeting with him, but Mr. Dew gave her no information.
24 She testified the same thing about Mr. Zimmerman, gave
25 her no information. So, we literally have her talking

1 to nobody in the company who gave her personal
2 information.

3 There's the suggestion that she talked to
4 Melinda Flores. That's news to me. If you search this
5 deposition for Melinda Flores or the name Flores,
6 that's not in there. That would be completely new
7 information to me.

8 She talked one time about where she was
9 just guessing about what Alex Jones may have relied on,
10 obviously didn't talk to him.

11 Ms. Blott says the company doesn't have
12 documents relating to internal editorial discussions.
13 And again this is shocking to me because I mentioned
14 that one email that's maybe the most famous email in
15 this case that's discussed in every brief is the email
16 about the sources being crazy. But we submitted months
17 ago a motion for net worth discovery which included
18 50 pages of testimony and documents about editorial
19 discussions.

20 So, that's why it was really shocking for
21 me to have that witness tell me there were no editorial
22 discussions. And even if there weren't extensive
23 documentation of those discussions, which there is,
24 obviously the employees who were actually involved were
25 never consulted.

1 She also says in the company doesn't have
2 the pictures that were talked about, there was
3 testimony about this picture. Which you're right is an
4 insulting picture which claims that a Superbowl choir
5 of preteens is actually the murdered children. That
6 document, that picture, was shown to Miss Karpova in
7 deposition because it was produced by the company. It
8 was produced along with some emails about that picture.
9 And that picture is a pretty significant part of how we
10 know that InfoWars was completely reckless and
11 malicious from the very beginning of this case. And
12 those pictures exist. And so for Miss Blott to come in
13 here and represent to the court that they don't, again
14 is there shouldn't be -- I shouldn't be having to do
15 any of this.

16 Miss Blott notes that they are not KXAN.
17 I 100 percent agree with that, they are not KXAN. KXAN
18 is a much smaller, less profitable operation than
19 InfoWars. As you saw demonstrated in the motion,
20 InfoWars is one of the most lucrative media
21 organizations in the country. There is no one who is
22 better prepared to take the steps to prepare a
23 corporate representative. And just like we wouldn't
24 accept this from any other company who has that much
25 more revenue, and we saw how big those numbers are, we

1 should not accept it from InfoWars here. They
2 absolutely have the resources to get this done.

3 She told us there's no dedicated
4 staffing. There absolutely is. That's the problem, is
5 we talked about in the motion that you're facing on the
6 written discovery, you'll remember in that motion these
7 same issues are contested about the audience reach and
8 the knowledge of the plaintiff, things like this. And
9 it's -- we found out, they told us, hey, we don't have
10 any of these documents, we don't have anybody who can
11 do, we don't know anybody who can tell us about
12 agreements we have with radio stations, TV, all of
13 that, and then we produce evidence showing, no, they
14 have an affiliate relations department. And that
15 affiliate relations department has been out in public
16 talking about how it can answer all those questions.

17 Then when we get to deposition,
18 Miss Karpova says she can't answer a lot of these
19 questions because she hasn't talked to affiliate
20 relations. As if she didn't know she was supposed to
21 talk to them before this deposition.

22 The last argument that was put forward is
23 that it's too hard to answer these topics. That it's
24 impossible for them to answer these topics. And if
25 that was the case, they had a duty to object to those

1 topic. If it was going to be impossible to prepare
2 Miss Karpova to testify about any one of these topics
3 they had duty to object. They did not do that.

4 I also just want to note, I think you
5 probably saw it, but Miss Karpova herself defined what
6 "editorial discussions" means. She was asked about
7 that. Because there was in idea of that's sort of
8 vague. Right? No, she actually was asked that question
9 and she defined it perfectly. She defined it as a
10 conversation between editorial staff regarding the
11 sources or angles that they should take with a certain
12 story. She knew exactly what it was. So, they knew
13 that there was that.

14 The last thing I want to talk to Your
15 Honor is Miss Blott says that she's going to get to the
16 bottom of this and she's going to find out what's been
17 produced and solve the discovery. We were so far past
18 that. We are so -- we were far past that in August,
19 when we came back from attorneys who have -- every
20 single attorney has promised the same thing. Every
21 last one. And so, now we are here post-default, when
22 they were given one chance to do discovery on damages.

23 I don't need any further discovery at
24 this point, I don't need to be bogged down by even
25 dealing with that, and what I'm going to get is not

1 going to be forthright. This defendant during its
2 default already thoroughly demonstrated that its claims
3 lack merit because it's going to be continually doing
4 this in discovery. So, I don't think there's any
5 remedy like that going forward.

6 So again, the things that we're just
7 going to ask for are 215(b)(1) through (3) and, like I
8 said, I'm hoping you can let me know on one what I need
9 to do about that today. But that's all we have for you
10 today.

11 THE COURT: Well, you get two for sure.
12 So, whatever your expenses are on discovery, um, for
13 this, for negotiating, noticing, conducting, preparing
14 this motion and appearing today and preparing whatever
15 I order after for this corporate deposition, those
16 costs are taxed to the defendants. So, that's --
17 that's easy.

18 MR. BANKSTON: Okay.

19 THE COURT: Um, I think where I am
20 struggling is I actually believe we are most likely to
21 end up in a situation where I am going to be telling
22 the jury, We gave the defendants all these
23 opportunities to answer these questions, and you
24 may -- you may decide from the answers they gave or did
25 not give that, had they answered, those answers would

1 hurt their case. Or some language to that effect. I
2 just don't know that we're there today on these issues
3 after one shameful corporate rep. deposition on
4 damages.

5 And so my, um, you know, I would really
6 like to have one corporate deposition where the witness
7 actually prepares, and by that I mean, um, let's see if
8 I can find the list of the seven topics.

9 Where are they easy for me to find. Oh,
10 here we go. Actually I have eight topics, by the way,
11 in the motion, but today you only mentioned seven, so.

12 MR. BANKSTON: I believe I left one out,
13 Your Honor, you're right about that.

14 THE COURT: Okay. So, sourcing and
15 research for the videos described in Plaintiff's
16 petition. This is not, what I'm about to describe, the
17 universe of preparation that a corporate deposition
18 should do. What I'm about to describe is the minimum
19 preparation a corporate deposition should do to respond
20 to that topic.

21 They should watch every video in the
22 weeks leading up to the deposition. They should
23 identify for themselves, for the company, every
24 statement that they believe in those videos has a
25 source and they should make efforts to determine what

1 that source was and they should be able to answer
2 intelligently as to the sources and the efforts they
3 have taken to determine those sources.

4 They need to be able to speak about
5 everything Alex Jones said in any of those videos,
6 about every piece of paper he holds up, every piece of
7 paper he shows on that desk camera. They need to
8 search for every person quoted in each video. And by
9 that I mean they need to search every single thing
10 InfoWars or Free Speech Systems or Alex Jones has in
11 their possession on paper, in email, on a text, on any
12 other communication system or in the mind of any
13 employee or former employee or guest of the show.
14 Anything and everything. And they need to be prepared
15 to identify and describe the role of every employee
16 involved with every video.

17 And if they are going to show up and say,
18 we don't keep records on these things, then they need
19 to show up and be definitive in every response. No
20 more guessing, assuming, or thinking. They need to
21 know. Because if the answer is Free Speech Systems
22 does not care who the source is so we don't -- we don't
23 check them, we don't write them down, we don't talk
24 about them and we don't keep a record of them, then the
25 jury needs to hear that.

1 I think I've covered the second one and
2 the third one in that description of the minimum
3 required preparation for the next corporate
4 representative deposition.

5 The company's knowledge of the
6 plaintiffs. Clearly the representative who was sent
7 did not even try to determine what the company knew,
8 since she had no knowledge of documents that were
9 provided by the company she was there representing in
10 the discovery in these cases. So, I consider it to be
11 minimum efforts for the corporate representative to
12 review every document produced by the company in this
13 litigation prior to their deposition. That covers
14 request or topic five. No, let's see. Six, as well.

15 Seven, efforts made by the company to
16 preserve potential evidence. Similar. If she shows up
17 again, or I'm sure we'll get a new one because that's
18 the way this works, and that person says, I don't know,
19 then they will have disregarded the orders I am making
20 today. Your client, Miss Blott, will have violated the
21 orders I am making today. I do not want, "I don't
22 know," "I'm guessing," "I think," "maybe," or "I infer"
23 to be part of the answer at all. Any answer by a
24 corporate representative designated by the corporation.
25 You choose, we don't. Mr. Bankston doesn't choose, the

1 court doesn't choose. You choose who is going to
2 represent the company at this deposition.

3 So, if the answer is, we destroy
4 everything as fast as we can, then I want them to come
5 and say that. And if the answer is, we don't care
6 where it comes from so we don't ever create a record,
7 they need to say that in that way.

8 MS. BLOTT: Understood.

9 THE COURT: Not, "I think maybe something
10 happened somewhere, I'm new to the company." I don't
11 care if it's their first day with the company. If you
12 designate them, they better have answers.

13 Number, let's see, number five, the
14 audience reach of the videos described in the
15 plaintiff's petition. If it is the case that Free
16 Speech Systems, InfoWars, and Alex Jones do not track
17 who plays their videos, I know it is the case that they
18 track where the stuff they sell gets sold; and that
19 information will need to be provided so that we can go
20 around in the back to see where these videos were
21 played. Does that make sense?

22 I mean, the videos are Alex Jones
23 talking, Alex Jones selling some stuff. He may not
24 know who plays it because he puts it on the internet
25 and says, play it if you want. Maybe that's true. But

1 he knows who is buying his stuff. And so, we'll need
2 that information to answer the audience reach of these
3 videos.

4 The last is the company's business
5 structure in relationship with other parties.
6 Honestly, the idea that I have to explain what that
7 means to a corporation is again ridiculous. No more
8 answers of, well, I didn't talk to Mr. Jones, I'm not
9 really sure, I'm new, nobody works here, it's just all,
10 I don't know, fairy dust that makes these videos go
11 out. None of that. They know. This company knows.
12 Mr. Bankston gets to know.

13 Then if we have a similar experience file
14 a motion again, Mr. Bankston. Because then I'll
15 just -- in fact, then send me the transcript, you can
16 put the new motion on top of it. You don't need to
17 pull out every single excerpt, you can just send me the
18 whole transcript, I'll read the whole transcript and,
19 um, then I'll need a proposed order if this happens
20 again.

21 So, um, essentially the motion is
22 granted. And all the costs for this second deposition
23 are to be borne by the defendant for the plaintiff's
24 side. I am not going to designate facts as established
25 until after this next deposition and then only if I

1 have to, because I think it may come to that, but
2 that's not what anybody who believes in our legal
3 system wants.

4 Now, I'm confident that there are people
5 who don't want our legal system to work and will be
6 happy to have me forced into deciding almost everything
7 about this case, but that's not what I want. I want it
8 to work, but it only works if discovery works. And
9 what I have seen so far is literal years of blatant
10 discovery abuse and intentional discovery abuse, and
11 I'm tired of that.

12 Um, Mr. Bankston does not need to respond
13 to any discovery until after this corporate deposition
14 is taken again and, um, until at least -- a minimum of
15 two weeks after the deposition. And if he files
16 another motion along the lines of this one, then the
17 stay will continue. So, it's essentially his
18 responses -- the deadlines for Mr. Bankston's responses
19 to any discovery requests are stayed until further
20 order of the court.

21 Anything else?

22 MR. BANKSTON: That's it from the
23 plaintiffs, Your Honor.

24 THE COURT: I'll ask you to prepare an
25 order for me, Mr. Bankston, send it to Miss Blott.

1 Mr. Reeves, are you even still counsel on
2 the Sandy Hook cases?

3 MR. REEVES: I am, Your Honor.
4 Miss Blott is lead counsel but I am still counsel in
5 the cases, Your Honor.

6 THE COURT: All right. And you're the
7 only attorney on the Fontaine case now.

8 MR. REEVES: That's correct, Your Honor.

9 THE COURT: Okay.

10 MS. BLOTT: Your Honor, um, may I ask,
11 just for purposes of my scheduling, how soon or what
12 period of time will have elapsed before this deposition
13 of the corporate representative takes place? I want to
14 have everyone prepared to fully respond.

15 THE COURT: Do you know who will be
16 designated or if there will be more than one person
17 designated to respond to these topics?

18 MS. BLOTT: I will have the answer to
19 that by the end of today, and I am relatively certain
20 that it will be more than one person.

21 THE COURT: All right. Then I'm going to
22 leave it to you and Mr. Bankston to attempt to schedule
23 those depositions. I think within a month. Does that
24 seem fair to you, Miss Blott and Mr. Bankston?

25 MS. BLOTT: I will dedicate all my time

1 to that, Your Honor.

2 THE COURT: All right. I don't think
3 we're going to trial on March 28th but I could be
4 proven wrong. Do we want to leave that trial setting
5 or do we want to -- what do we want to do? I'm -- I
6 think it's important to have trial settings. If the
7 deadlines roll from trial settings, the pressure is put
8 on with them.

9 I'll be honest, I don't know that I want
10 to have this Voir Dire on Zoom. Um.

11 I don't know how much the two of you --
12 or the three of you, sorry, Mr. Reeves, have thought
13 about numbers for a panel. Um. I'm expecting it to be
14 a larger-than-normal panel request, I just don't know
15 how much larger. Um. And I just don't know -- I don't
16 know exactly what's going to happen with this Voir
17 Dire. But I have done five or six virtual jury trials,
18 I've got another one in a week and a half. Or in week,
19 rather.

20 We do virtual Voir Dire. We did it.
21 It's real hard. I mean it's not hard in the sense that
22 it doesn't work, it totally works. It's exhausting,
23 and that's coming from me. I spend eight hours a day
24 on Zoom, have for almost two years now, so I'm used to
25 Zoom. It's exhausting for the jurors; it's exhausting

1 for the lawyers, because even lawyers who are involved
2 in full-time litigation typically are not in court all
3 day long every day.

4 The picture of each person isn't very
5 big, especially with a larger panel. Zoom can -- the
6 largest number of faces that you can have on one
7 monitor are 49, I guess that is the largest number is
8 49. You've got multiple monitors, which I strongly
9 suggest. I suggest that every time and yet every time
10 I have lawyers who don't do it.

11 So, I feel like, in person or virtual,
12 we're going to be splitting up Voir Dire into more than
13 one session. That's my expectation.

14 So, um, I guess we can leave it for now,
15 but we need to start thinking about it. We're clearly
16 going to have to have pretrial settings much further in
17 advance than the Friday before, which is my typical
18 practice for a pretrial, um, virtual pre jury trial
19 pretrial setting, or the Monday of, which is my
20 practice for an in-person jury trial. I think we're
21 going to need to handle those issues earlier. So, I
22 guess that's just kind of me thinking, these are the
23 things I'm thinking about in my office.

24 I just realized I didn't issue orders on
25 the October -- have you already sent me proposed order

1 on that Motion For Sanctions on Written Discovery,
2 Mr. Bankston?

3 MR. BANKSTON: Yes, I have. Yes, it's
4 real basic but I have.

5 THE COURT: Okay. Do you mind sending it
6 again.

7 MR. BANKSTON: Not a problem.

8 THE COURT: Just the motions that we --

9 MR. BANKSTON: The written discovery
10 motions.

11 THE COURT: Yes, in October. Obviously
12 CC Miss Blott and/or Mr. Reeves.

13 MR. BANKSTON: Okay.

14 THE COURT: And then in Word if you don't
15 mind so that I can make changes as I might want to.

16 All right, here is what I'm going to do,
17 we're going to leave Lewis, we're going to leave
18 Fontaine, we're going to leave Heslin. Pozner is not
19 set for May 23rd. Even if it is, it isn't happening
20 because that's the week I'll be gone and my son will be
21 graduating from high school and I'm not going to be in
22 trial when he's graduating from high school. I'll come
23 to work but I'm not going to be in the middle of -- you
24 know, that's too consuming. Everyone would miss my
25 attention on both sides, I think.

1 So, um, so we need to find another date
2 for Pozner and we need to think about Heslin. And I
3 want to ask, Mr. Bankston, if you think you are going
4 to reurge your motion to consolidate at some point.

5 MR. BANKSTON: At least -- at the very
6 least Heslin and Lewis consolidated together.

7 THE COURT: And just without -- without
8 binding yourself, just tell me why those two.

9 MR. BANKSTON: Because they are the
10 co-parents of Jesse Lewis.

11 THE COURT: Oh. I thought we had already
12 consolidated the parents.

13 MR. BANKSTON: No. What we had actually
14 done is Mr. Heslin, because of the TCPA causes, had his
15 defamation and IIED in separate suits, and that case
16 was consolidated together into once case. So, both of
17 Mr. Heslin's claims are now together.

18 But what I would -- certainly a first
19 step that I would -- certainly would want to do is get
20 the co-parents together.

21 THE COURT: So, Heslin and Lewis. So
22 Mr. Heslin and Ms. Lewis are the parents of the same
23 child.

24 MR. BANKSTON: Yes, that's correct.

25 THE COURT: Okay. Well, we can

1 consolidate that, and then we'll set those on
2 April 25th. So, send me an order consolidating Heslin
3 and Lewis.

4 MR. BANKSTON: Okay.

5 THE COURT: And we will set that for
6 trial April 25th. And we're not going to go to trial
7 in March.

8 MR. REEVES: Your Honor, if I may very
9 quickly.

10 One of the reasons that we had opposed a
11 consolidation of those cases before was that
12 Mr. Shroyer is only a defendant in Mr. Heslin's
13 defamation suit. However, the parties with Mr. Shroyer
14 recently come in principle to a resolution, so, and
15 we're trying to work out the final details of that.
16 So, I think that that might be more probable for us
17 once that's done as far as Mr. Shroyer not being a
18 defendant.

19 That was one of the main issues we had,
20 though, as far as he was an individual defendant in one
21 case and not another, and so, we --

22 THE COURT: Well, this will provide extra
23 encouragement to resolve that part of the case. I'm
24 going to consolidate the Lewis and Heslin cases for
25 purposes of trial. And it is set for April 25th on a

1 two-week setting --

2 MR. BANKSTON: Okay.

3 THE COURT: -- for damages.

4 And Fontaine will stay on June 27th and
5 Pozner we need to set separately.

6 Sorry.

7 Do you guys hear that?

8 MR. BANKSTON: Just barely.

9 THE COURT: I had hurt my back several
10 years back and I was getting physical therapy for it
11 and I had my phone on silent but in my bag. I never
12 look at my phone when I'm out here, I'm out here
13 because I have to have it to log in, because everything
14 is two, you know, requires two ways to log in. I don't
15 look at it, it's facing the other way.

16 Anyway, my therapist was like, I think
17 there is a rodent in your purse. I was like, yeah,
18 that's the phone but, okay. So, I just remember
19 thinking like does he really think I have an animal in
20 my purse? Okay. He was joking.

21 All right, let's look. First day of
22 school in Austin is August 15th.

23 MS. BLOTT: I don't have that problem.

24 THE COURT: I don't consider it a
25 problem --

1 MS. BLOTT: Well, I don't have that
2 issue.

3 THE COURT: -- but it is a consideration.
4 So, I think -- the problem is settlement
5 week. Wow. Okay. I think we're stuck with
6 August 22nd. And again we don't know, it may be that
7 things will resolve after the first trial, I don't
8 know.

9 MR. BANKSTON: Can I ask one other
10 question, Your Honor? I was just kind of curious
11 about --

12 THE COURT: Always.

13 MR. BANKSTON: -- we don't know, I mean
14 now that I'm thinking this we don't know the answer to
15 this because of what we've been living with the past
16 two years. But I'm wondering if by April 25th or
17 June 27th, are we looking at a live trial or is that
18 still something we're going to handle remotely?

19 THE COURT: I'm hoping we are, yes.

20 MR. BANKSTON: Yeah. Okay.

21 THE COURT: Yes. I think we are. I
22 mean, I've already done one live jury trial since COVID
23 in November. The problem is every time we get down --
24 in Travis County, um, we follow the guidance of our
25 county Commissioner's Court and our county-appointed

1 medical experts. "We" being the civil and family
2 district judges. So, we make our own decisions but we
3 like to follow the advice of the experts and set a good
4 example for the rest of Travis County.

5 We also are housed in a building that is
6 almost 100 years old. Um. It's beautiful. It doesn't
7 have big spaces. It doesn't have wonderful, um,
8 ventilation systems. It was designed and built to
9 house either four or six courts, I've heard varying
10 reports on that. That's the entire building. The
11 fifth floor, where my courtroom is, has five or six
12 courtrooms -- I think six courtrooms just on the fifth
13 floor alone.

14 To create those spaces over the years,
15 the county has created courtrooms out of viewing
16 galleries, has walled off important things like
17 plumbing that we can no longer get to. So, there are a
18 number of issues in a building this old when it comes
19 to an airborne pandemic.

20 But I have conducted successfully, with
21 no infection, an in-person jury trial in November of
22 2021. So, I am confident that if Travis County, which
23 is at what we call Stage 5, is down at Stage 3, or
24 maybe even Stage 4, but certainly Stage 3 or lower,
25 then we can do it just fine. We wore masks, everybody

1 wore a mask except for the witnesses, the witnesses
2 took their masks off, we used covers on the
3 microphones. It was fine.

4 I did not ask anyone whether they were
5 vaccinated, but I'm open to motions to consider doing
6 that. Um. Because I can do that privately; that
7 doesn't have to be a public thing. We ask juries and
8 potential juries all kinds of personal questions. I'm
9 open to doing what some of the federal courts have
10 done, which is that they, once they seat their jury and
11 alternates, they -- then the judge goes and talks to
12 the jury kind of one-on-one about their preference
13 regarding masking and other measures and also their
14 vaccination status to make a decision then, with actual
15 information about the people in the room, what kind of
16 restrictions are going to be followed. And then I'll
17 issue orders for the court, if necessary. Um.

18 So, I'm open to any of those ideas, we
19 can talk about them as we get closer to it.

20 If you wanted to wait until we were in
21 the fancy new courthouse, that's a delay of a whole
22 year. We're not moving until 2023; and I don't think
23 that this -- these causes should wait on construction,
24 basically, I think we should go ahead. And I think we
25 can do it. We have -- my courtroom is relatively

1 large. We have set up overflow rooms for audience, so
2 they essentially are watching a feed of the entire
3 courtroom from another courtroom. Um.

4 We can do it. I've done it once, I was
5 scheduled to do it again next week but obviously it's
6 been converted to virtual, so. I am confident we can
7 do it in person.

8 Now, I do believe our jury selection
9 process will not take place in one afternoon or one
10 morning. It will be in stages, where we bring in a
11 percentage of our panel on more, you know, two or more
12 time periods and conduct the Voir Dire that way. So,
13 that's something to plan for.

14 MR. BANKSTON: Okay.

15 THE COURT: Anything else?

16 MS. BLOTT: No, Your Honor.

17 THE COURT: Okay. So, to wrap up, the
18 Motion to Compel and Sanctions on Fontaine, Mr. Ogden
19 will be getting me the order, those were granted. The
20 plaintiff's -- all the plaintiff's motions for
21 sanctions regarding the corporate depositions
22 Mr. Bankston will be preparing an order in conformance
23 with the orders I gave orally. And Mr. Bankston is
24 going to do me the courtesy of sending me in Word
25 format again the proposed orders on the October Motion

1 to Compel and for Sanctions on Written Discovery in the
2 three Sandy Hook cases.

3 And nothing else is set in front of me or
4 set at all in front of me today or another day.

5 MR. BANKSTON: That's right.

6 THE COURT: So, we're -- when I issue
7 those orders I will be all caught up until I hear from
8 one or the both of you.

9 MR. BANKSTON: Okay.

10 THE COURT: All right?

11 And if you want to, let me know when you
12 schedule that deposition. Hopefully you won't need me
13 during it, but if I know when it is that -- that's
14 helpful.

15 MR. BANKSTON: Absolutely.

16 THE COURT: All right, I think that's
17 everything.

18 And I apologize about the YouTube glitch
19 earlier but it's working now, and hopefully that will
20 not be a problem again.

21 Also I just want to say, we have our new
22 dates, I'll get those scheduled, but if you, um, think
23 that those date changes change any of the deadlines and
24 you don't agree about that, send it to me through my
25 assistant very clearly, here is what one side thinks,

1 here is what the other side thinks, and then I'll tell
2 you what the answer is. And do it quickly, so that
3 we're not -- we don't then -- I don't then hear an
4 excuse that, well, if we had known two weeks ago that
5 that was the deadline we could have met it. No. Do
6 it -- figure that out right away. Okay?

7 MR. BANKSTON: Okay.

8 THE COURT: Oh, and Mr. Bankston, you
9 need to send me the order consolidating Heslin and
10 Lewis.

11 MR. BANKSTON: Correct. Yes, I have that
12 down, as well.

13 THE COURT: Okay, good. I think that's
14 everything.

15 Thank you all. Have a good day.

16 MR. BANKSTON: All right, thank you, Your
17 Honor.

18 MS. BLOTT: Thank you, Your Honor.

19 May we be excused?

20 THE COURT: Yes, everyone is excused.

21 Thank you.

22 MS. BLOTT: Thank you.

23 (End of proceedings.)

24

25

1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS)

3 COUNTY OF TRAVIS)

4 I, Alicia DuBois, Official Court Reporter
5 in and for the 459th District Court of Travis County,
6 State of Texas, do hereby certify that the above and
7 foregoing contains a true and correct transcription of
8 all portions of evidence and other proceedings
9 requested in writing by counsel for the parties to be
10 included in this volume of the Reporter's Record, in
11 the above-styled and numbered cause, all of which
12 occurred in open court or in chambers and were reported
13 by me.

14 I further certify that this Reporter's
15 Record of the Proceedings truly and correctly reflects
16 the exhibits, if any, offered in evidence by the
17 respective parties.

18 WITNESS MY OFFICIAL HAND this, the 9th
19 day of February, 2022.

20
21 /s/ Alicia DuBois
22 Alicia DuBois, CSR
23 Texas CSR 5332
24 Exp. Date: 1/31/24
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